

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

KHOA DANG NGUYEN,  
Plaintiff,  
v.  
RANDY PARKER,  
Defendant.

Case No. [5:14-cv-04378 EJD](#)

**ORDER DENYING PLAINTIFF'S EX  
PARTE APPLICATION FOR  
EXTENSION OF TIME TO AMEND  
COMPLAINT**

Re: Dkt. No. 20

On December 8, 2014, this court granted a motion to dismiss filed by Defendant Randy Parker ("Parker"), in his individual capacity as Chief Executive Officer and President of Permanent General Companies ("The General"). See Docket Item No. 18. The court explained in its written order that Plaintiff Khoa Dang Nguyen's ("Nguyen") Complaint was insufficient for two reasons: (1) Nguyen did not allege facts to establish personal jurisdiction over Parker in his individual capacity, and (2) Nguyen did not allege sufficient facts to state a claim against Parker. Nguyen was therefore dismissed as a party to this action without prejudice.

The court also dismissed Nguyen's Complaint in its entirety but allowed leave to amend with specific instructions. To that end, Nguyen was permitted to file an amended complaint on or before December 31, 2014, but in doing so Nguyen had to (1) exclude Parker as a defendant and instead name The General along with allegations to establish subject matter and personal


jurisdiction, and (2) establish a basis to sue The General by showing that he either obtained a judgment against The General's insured or obtained an assignment of rights from the insured. In addition, the court advised Nguyen "that failure to file a timely amended complaint or failure to amend the complaint" consistent with the court's instructions could result in this dismissal of this action without further notice.

Nguyen now moves, ex parte, for an extension of the deadline to file an amended complaint. See Docket Item No. 20. In support, Nguyen states that he is collecting further evidence concerning his own automobile insurance policy and is seeking legal assistance. These are not sufficient reasons to extend the deadline, however, in light of the specific amendment instructions provided by the court. Indeed, information about Nguyen's own insurance policy is unnecessary in order to file an amended complaint. Neither is it necessary for Nguyen to seek additional legal advice to comply with the court's order. His ex parte application demonstrates that he has already consulted an attorney who declined to assist him further because he, like the court, believes it unlikely that Nguyen can produce the judgment or assignment necessary to bring a claim against The General.

Accordingly, Nguyen's ex parte application is DENIED. Without a viable pleading, this action is DISMISSED. The Clerk shall close this file.

**IT IS SO ORDERED.**

Dated: January 5, 2015

  
EDWARD J. DAVILA  
United States District Judge